



County of Fairfax, Virginia

November 26, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MV-196

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Bruce P. Tinker
Pam P. Tinker

STREET ADDRESS: 2502 Stone Hedge Drive, Alexandria, 22306

SUBDIVISION: Calvert Park

TAX MAP REFERENCE: 93-3 ((8)) (2) 2

LOT SIZE: 10,132 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to certain yard requirements to permit construction of addition 8.1 ft. from side lot line and 33.3 ft. from front lot line and to permit reduction of minimum yard requirements based on errors in building locations to permit one accessory storage structure 0.83 ft. from side lot line and 2.0 ft. from rear lot line, and another accessory storage structure 2.3 ft. from side lot line and 3.3 ft. from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-MV-196 for the additions with adoption of the proposed development conditions contained in Appendix 1.

Laura Arseneau

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

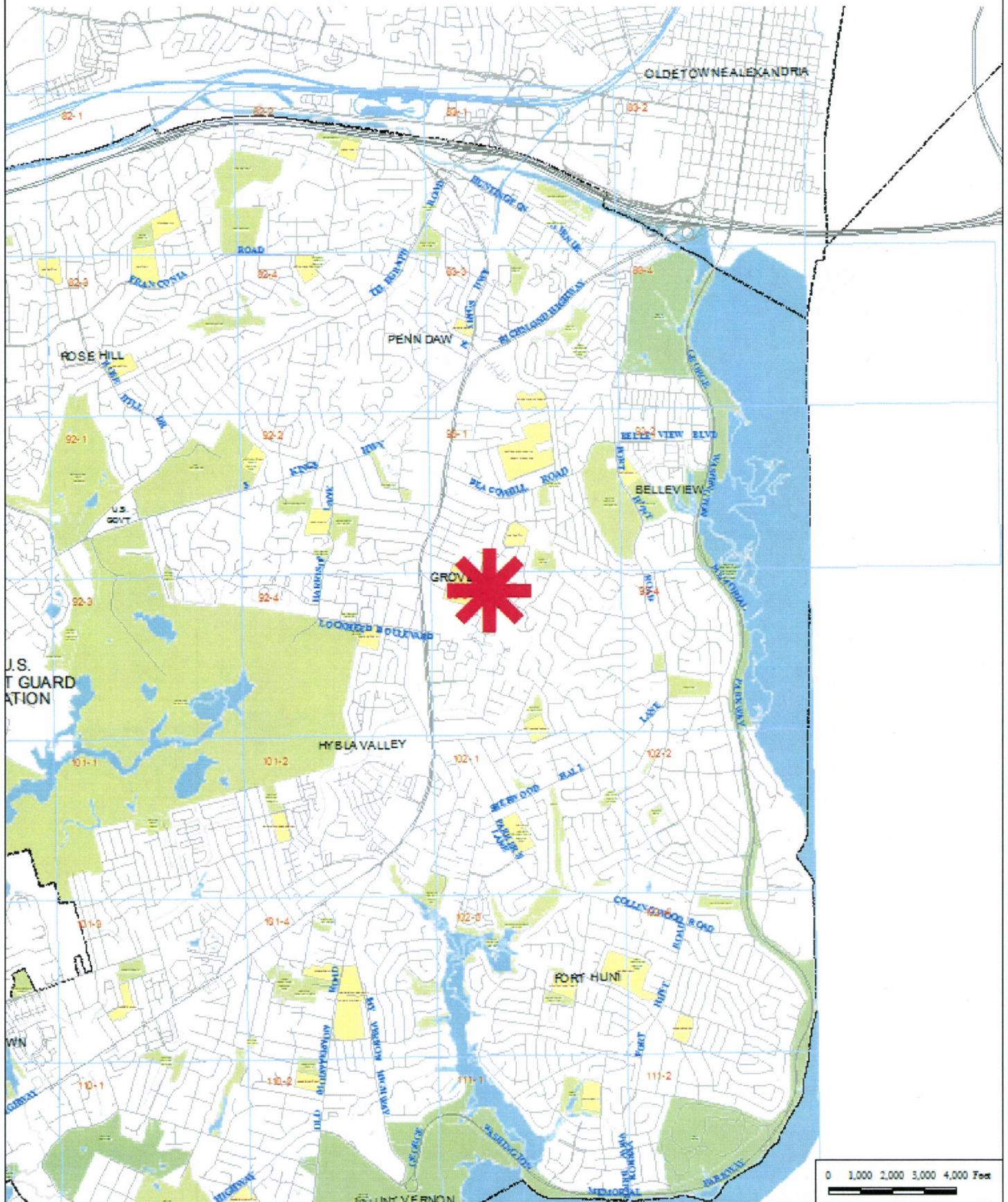
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



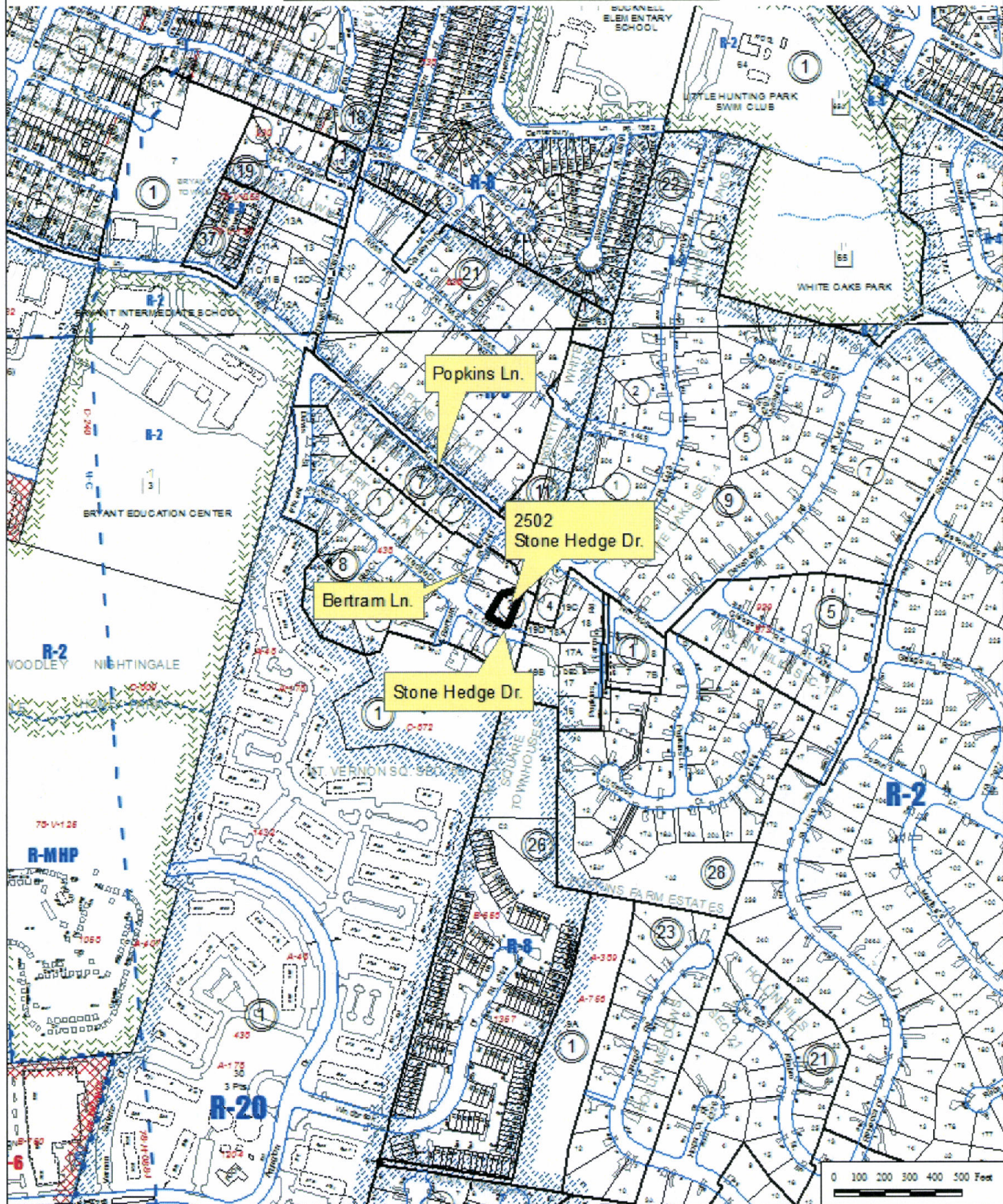
Special Permit

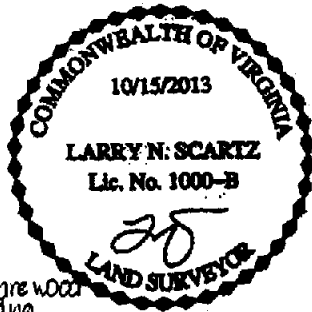
SP 2014-MV-196
BRUCE AND PAM TINKER



Special Permit

SP 2014-MV-196
BRUCE AND PAM TINKER





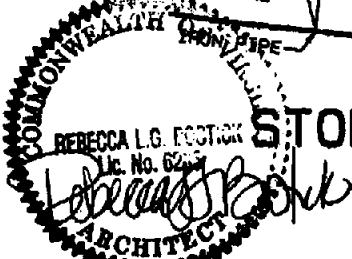
CALVERT SECTION 1 BLOCK 2

Tax Map #0933 08020002,
Mt Vernon District

1. This property is zoned R-2.
2. Total area of property is 10,132 SF
3. Property is served by public water and sewer.
4. There is no storm water management on this property.
5. Existing gross SF of this house is 1500 (1-1/2 stories). Existing footprint is 873 SF. The house addition (272 sf) and porch addition (403 sf) = 875 SF for an increase of 45% square footage.
6. Max Building height is existing at 17.0' to mid point gable. Addition height is 10.25' AFG. Grade is fairly flat on this site. It is being built up at the porch entrance for an accessible entry.
7. There is no flood plain on this property.
8. There is not a Resource Protection area on this property. There is not a Resource Management Area or Environmental quality corridor on this property.
9. There are no easements on this property.
10. There are no graves, objects or structures marking a place of burial on this property.
11. Drainage- existing drainage is downspouts to spill on grade or spill in rain barrels. New downspouts will be connected to rain barrels.
12. Disturbed area is 2100 sf- not more than 2500 Square footage.

both sheds are wood
framing w/ siding
Shed #1: 1.0' overhang @ front -
eave @ 6.83' AFG
ridge @ 9.25' AFG
overhang @ rear - 5.6' AFG
Shed #2: 1.0' overhang @ front -
eave @ 7.83' AFG
ridge @ 10.58' AFG
2.3' overhang @ rear
eave @ 7.83' AFG

wood deck -
1.06' AFG
1 story house addition
w/ roof deck -
blg height - 10.3'
remove
2.4' stone
retaining wall



STONE HEDGE DRIVE
50' R/W

PHYSICAL IMPROVEMENTS SURVEY

LOT 2, SECTION 1, BLOCK 2

CALVERT PARK

MOUNT VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'

DATE: OCTOBER 15, 2013

CASE NAME: MOORE
TO TINKER (DTA1310024)



NO TITLE REPORT FURNISHED.

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM

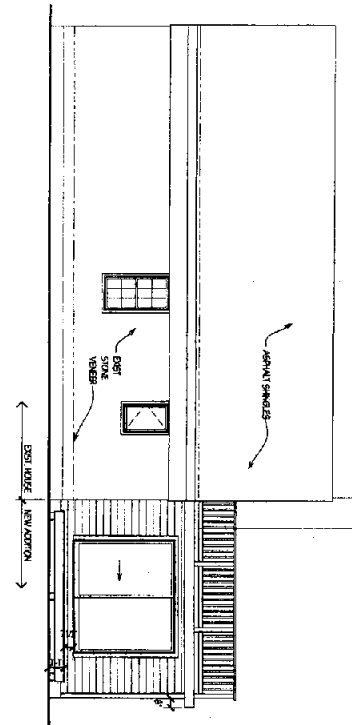


TAX MAP# 093-9-08-02-0002

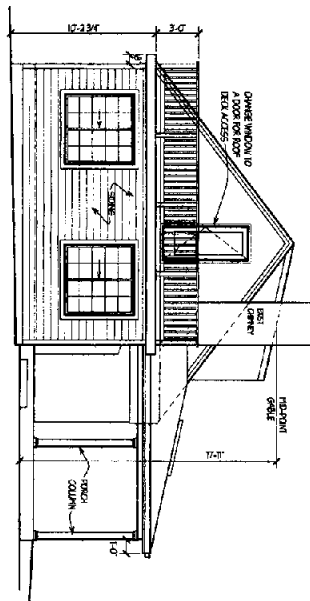
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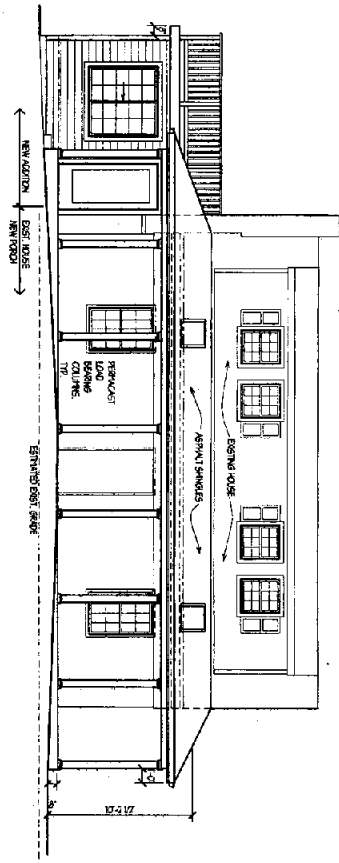
A REAR ELEVATION



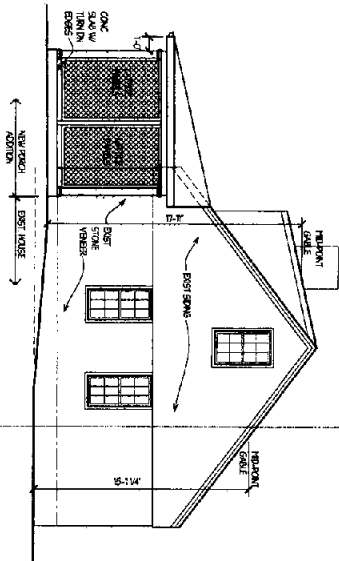
B SIDE/END ELEVATION



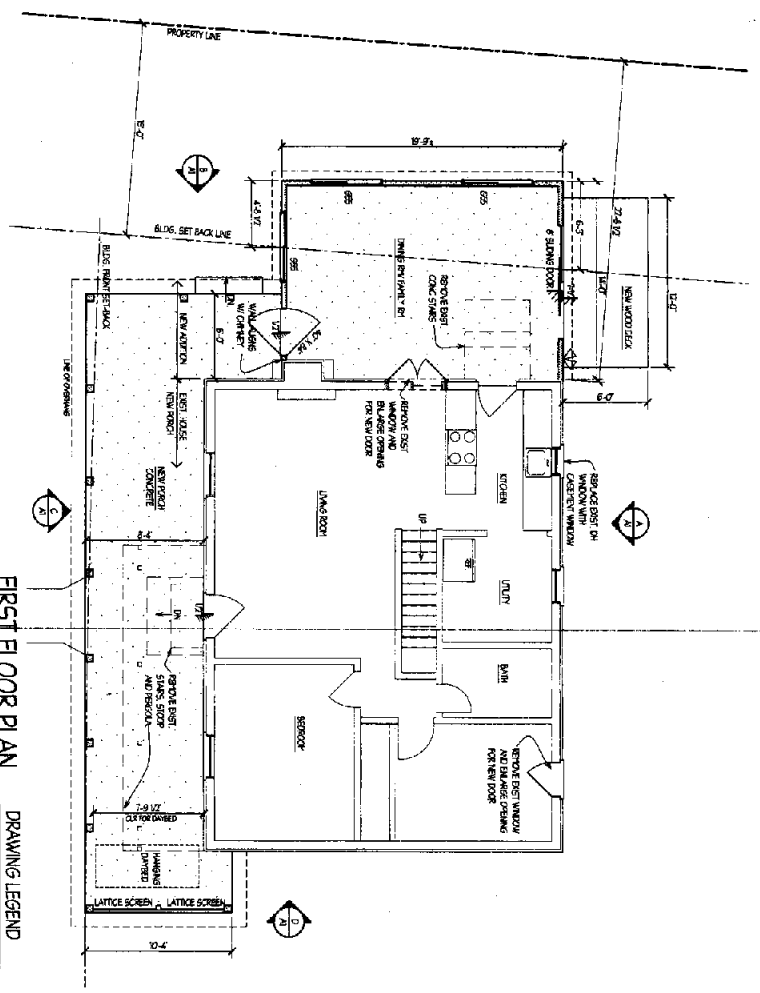
C FRONT ELEVATION



D SIDE/END ELEVATION



FIRST FLOOR PLAN



DRAWING LEGEND

EXISTING LAYOUT	NEW CONSTRUCTION
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REBECCA L.G. BOSTICK, AIA
ARCHITECT

1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307
 (703) 768-2250

Addition to the
TINKER RESIDENCE

2502 STONE HEDGE DRIVE, ALEXANDRIA, VA 22306

A1
 SHEET 1 OF 1
 DATE 6/10/14
 REVISIONS

SPECIAL PERMIT REQUEST

The applicant is requesting approval of a special permit for a reduction in certain yard requirements to permit construction of addition 8.1 ft. from side lot line and 33.3 ft. from front lot line. The front yard setback for properties zoned R-2 is 35 feet; therefore the applicant is requesting a reduction of 1.7 feet or 4.8%. The side yard setback for properties zoned R-2 is 15 feet; therefore, the applicant is requesting a reduction of 6.9 feet or 46%.

The applicant is also requesting to permit reduction of minimum yard requirements based on an error in building location to permit one accessory storage structure (shed #1 on plat) 0.83 feet from the eastern side lot line and 2.0 feet from the rear lot line. This accessory storage structure is 9.25 feet in height. In accordance with Sect. 10-103 (10) (E) when an accessory storage structure exceeds 8.5 feet in height it shall not be located in the minimum required side yards and required a setback a distance equal to its height to the rear property line. The side yard setback for properties zoned R-2 is 15 feet; therefore, the requested reduction from the side lot line is 14.17 feet or 94.5%. The rear yard setback for properties zoned R-2 is 25 feet; the requested reduction from the rear lot line is 23 feet or 92%.

The applicant is also requesting to permit reduction of minimum yard requirements based on an error in building location to permit another accessory storage structure (Shed #2 on plat) 2.3 feet from the western side lot line and 3.3 feet from rear the lot line. This accessory storage structure is 10.58 feet in height. The side yard setback for properties zoned R-2 is 15 feet; therefore, the requested reduction from the side lot line is 12.7 feet or 85%. The rear yard setback for properties zoned R-2 is 25 feet; the requested reduction from the rear lot line is 21.7 feet or 86.8%.

A copy of the special permit plat titled "Physical Improvements Survey, Lot 2, Section 1, Block 2, Calvert Park," prepared by Larry N. Scartz, L.S., of Scartz Surveys on October 15, 2013 and revised by the agent's architect on September 5, 2014, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,132 square foot lot contains a one and one-half story single family detached dwelling. An arbor exists over the front door of the dwelling which is located on the south façade. An asphalt driveway exists to the southeast of the dwelling and provides vehicular access to Stone Hedge Drive. Two retaining walls and two sheds exist to the north of the dwelling. A 6 foot high wood fence encloses the rear yard of the property. Two mature trees exist to the west of the dwelling.

As shown to the right, the existing lot and surrounding lots to the north, east and west are zoned R-2 and developed with single family detached dwellings. The property to the south is also zoned R-2 and developed with a monastery. The property is west Richmond Highway and south of Popkins Lane.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1950 and purchased by the applicants in 2013.

On July 14, 2009 a complaint for grass in excess of 12 inches was filed on the property (Appendix 4). The complaint was closed by the Department of Code Compliance.



County databases indicate that a nearby property located at 2604 Stone Hedge Drive, was granted a Variance for a modification in minimum required yards by the Board of Zoning Appeals. Variance VC 83-V-072 was approved on July 12, 1983, for the construction of a dwelling 14.67 feet from the side lot line and with a porch 6.67 feet from the other side lot line (Appendix 5). No special permits related to a reduction in minimum required yards for the construction of an addition or an error in building location are located on nearby properties.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV

Planning District: Mount Vernon

Planning Sector: Groveton Planning Sector (MV5)

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-914* Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

General Standards for Special Permit Uses (Sect. 8-006)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with a special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-2 District.
Standard 3 Adjacent Development	In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
Standard 4 Pedestrian/ Vehicular Traffic	No increase vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	There is existing vegetation and a 3.5 foot fence that partially screens the addition from the neighbors to west.
Standard 6 Open Space	There is no open space requirement.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading of the site.
Standard 8 Signs	No signage is proposed.

Standards for all Group 9 Uses (Sect. 8-903)

Standard 1 Lot Size and Bulk Regulations	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The construction is not disturbing more than 2,500 square feet; therefore the application is not subject to the provisions of Article 17, Site Plans.

Standards for Reduction of Certain Yard Requirements (8-922)

Standard 1 Yard Requirements Subject to Special Permit	A. Minimum required yards - Yes B. Pipestem lots- N/A C. Accessory structure locations – N/A D. Extensions into minimum required yards- N/A
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Standard 2 Structure in a Front Yard	No accessory structure proposed in a front yard.
Standard 3 Contain a Principal Structure	The subject property contains a single family dwelling which is an existing principal structure.
Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)	The proposed porch addition is 403 square feet and the proposed dining room addition is 272 square feet resulting in a total of 675 square feet. The existing GFA of the primary structure is 1,500 square feet, therefore the proposed additions will be 45% of the GFA.
Standard 5 Construction Subordinate in Purpose, Scale, Use and Intent	The proposed construction is subordinate to the primary use as it is a porch and dining room addition to the primary residential dwelling. Both additions align with the height of the first floor of the existing dwelling and are subordinate in scale.
Standard 6 Construction in Character with On-Site Development	The proposed porch will be constructed on the front façade of the dwelling and the proposed addition will be constructed to the west of the dwelling. The addition is being constructed on an existing concrete patio. The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.
Standard 7 Construction Harmonious with Off-Site Development	Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar additions located in side yards on the neighboring properties. The proposed additions would not affect neighboring properties in terms of location, height and bulk, vegetation or existing trees. In addition, the proposed front porch is minimally encroaching in the minimum required front yard setback.
Standard 8 Construction Shall Not Adversely Impact Adjacent Properties	Staff believes that the proposed addition and covered porch, 675 square feet in total area, will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion as it would be constructed on the footprint of an existing concrete patio and in combination with the new front porch would not dramatically increase the impervious area existing on-site.
Standard 9 Minimum Required Yards is the Minimum Amount of Reduction Necessary	<p>The proposed covered porch extends into the minimum required front setback by 4.8 percent and staff believes this is the minimum encroachment necessary for the construction.</p> <p>The layout of the existing structure limits the amount of alternate locations for the construction of the addition to the west. The addition could be constructed on the northern side of the house but it would increase the impervious area on the lot</p>

	<p>and would negatively affect existing trees on site. According to the Urban Forestry Management Division the construction of the addition may impact existing trees (see analysis below).</p> <p>Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
Standard 10 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 11 Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 12 Architectural Elevations	Proposed elevations are included in the beginning of this report and are also included as an attachment to the development conditions.

Urban Forestry

On October 9, 2014, the Urban Forestry Management Division (UFMD) provided comments concerning tree preservation (Appendix 6). Staff recommends that tree protection fencing be provided during construction around a red maple that exist to the northwest corner of the proposed addition. A development condition has been included in Appendix 1 to address this concern.

CONCLUSION

Staff believes that the request for the modification of minimum required yards for an addition and accessory storage structures is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-MV-196 for the addition and the covered porch with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Staff does not make recommendations on requests for modification in minimum required yards for errors in building location.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and selected photographs
3. Applicant's Affidavit
4. Complaint History
5. Similar Case History
6. Urban Forestry Management Division Memo dated October 9, 2014
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MV-196****November 26, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-196 located at Tax Map 93-3 ((8)) (2) 2 to permit reduction of certain yard requirements for the construction of an addition pursuant to Sect. 8-922 and to permit two accessory storage structures to remain in place as errors in building location pursuant to 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

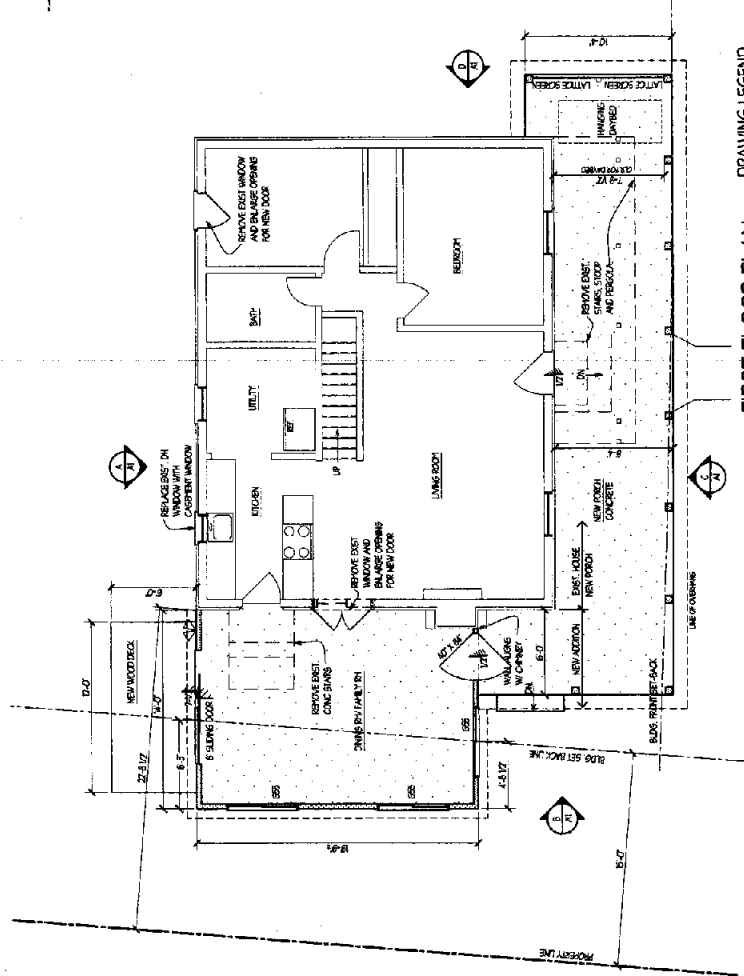
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the dining room addition (272 square feet square feet in size and 10.3 feet in height to the midline of the roof) and the covered porch (403 square feet in size and 10.2 feet in height). This special permit is also approved for the existing location of the two sheds in the rear yard of the property. These structures are approved as shown on the plat "Physical Improvements Survey Lot 2, Section 1, Block 2, Calvert Park," prepared by Larry N. Scartz, L.S., of Scartz Surveys on October 15, 2013 and revised by the agent's architect on September 5, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,500 square feet existing + 2, 250 square feet (150%) = 3,750 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. Prior to commencement of and during the entire construction process, the applicant shall install tree protection fencing around the existing trees located near the proposed construction site to protect these trees from construction activities in accordance with the Urban Forestry Management Division requirements. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading.

The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.

5. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

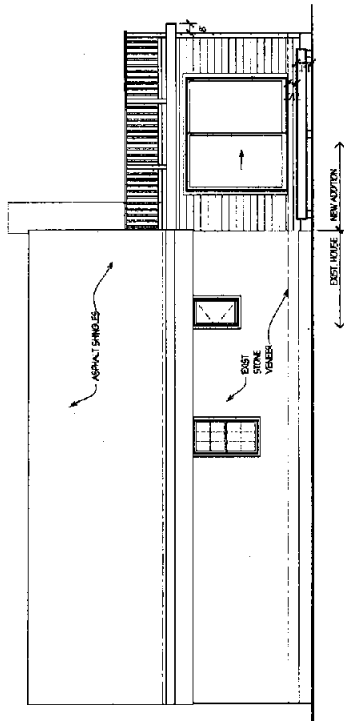
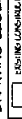
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

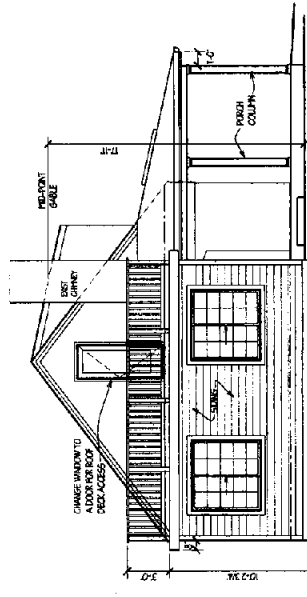


FIRST FLOOR PLAN

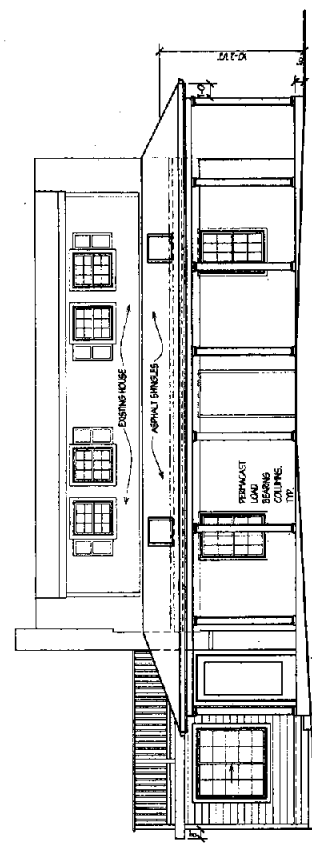
DRAWING LEGEND



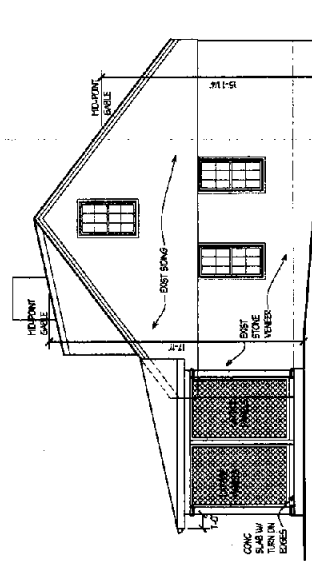
REAR ELEVATION



6 SIDE/END ELEVATION



FRONT ELEVATION



① SIDE/END ELEVATION

THE CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND IMPROVEMENTS PRIOR TO PROCEEDING WITH WORK.
THE CONTRACTOR SHALL COMPARE AND COORDINATE ALL DRAWINGS WITH FIELD CONDITIONS.
ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING.
DO NOT SCALE DRAWINGS.

REBECCA L.G. BOSTICK ARCHITECT

RECEIVED
Department of Planning & Zoning

SEP 02 2014

Zoning Evaluation Division

Statement of Justification

2502 Stone Hedge Drive, Alexandria, VA 22306

8/28/14

1. A.-F. This is a residential site. Type of operation, hours of operation, patrons, employees, traffic impact, general area to be served are not applicable to this project.
2. G. The existing house is a small cape-cod stone façade and wood frame structure, 1-1/2 stories. The addition will be a 1 story addition and maintain the small scale of the house and adjacent houses.
3. H. Toxic substances are not applicable to this project.

4. This special permit application is to provide for a front porch addition and a side addition to the existing house, built over the current front and side yard set-backs. **A reduction of the 35' front yard set-back to 33' and a reduction of 15' side yard to 8' is requested.**

The addition is desired to expand the small house with a combined dining room and family room space. The Owners wish to retain the existing green space and shade trees by building over the area that is currently a concrete patio.

The front porch is desired to expand the outside living area. While the front porch could be built within the front yard set-back, it is just a little too small for the desired outside furniture (hanging daybed and small table and chairs). A need of 8' clear is required for the desired function. The Porch will be designed to provide passive solar energy advantages by blocking the summer sun and allowing warming of the masonry walls during the winter.

5.1 In response to zoning ordinance 8-922, the requested items are addressed below:
8-922.1 The reduction will not result in any yard that is less than fifty percent of the requirement and shall not result in any yard of less than 5' to the closet point of the proposed structure.

8-922.2 The reduction of the front and side yard requested will not result in a detached structure in the front yard.

8-922.3- The existing house complied with the existing set-backs when it was originally built.

8-922.4 The existing house is 1500 SF. The side addition is 272SF and the porch is 403SF. The resulting gross floor area of these addition is 45% of the gross floor area, well below the 150 % allowable. No existing house SF is being removed.

8-922.5 There is no accessory structure to consider.

8-922.6 The proposed structure is in character with the on-site development in terms of the location, height, bulk, and scale of the existing structure.

8-922.7 The proposed addition is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, and scale.

8-922.8 The addition will not adversely impact the use and or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff.

8-922.9 The location of the addition is aligned with the end of the small living room. With the kitchen and utility room at the rear of the house, the cost of changing those prohibited the addition out the back. The addition is set so that new space is used for a dining room, lined up adjacent to the existing kitchen. There are no alternate layouts due to the location of the existing kitchen. There is no floodplain, no steep slopes, no resource protection area, no well or septic, no easements, or no preservation of historic resources. There are no significant trees to protect, however the addition is set back from the front of the house to protect one tree for its shade value to the house.

6. Reduction to the Min. yard requirements based on error in building location.

The house was purchased in October 2013 and Shed #1 was existing at that time. It appears to have been located in that spot as two adjacent neighbors had located their shed in their rear corners which backed up to side yard spot on this property.

When the rear of the property was cleared of 4' high weeds, the foundation was found of a previous shed. Using that foundation, the current Owner put up the new shed- Shed #2. All the adjacent neighbors have located sheds in this rear corner so tucking the shed back in the corner seemed the correct solution, to shield the homeowner's view of other sheds as well as protecting open views that the neighbors had.

In response to zoning ordinance 8-914, the requested items are addressed below:

8-914.1 All items A-K are addressed on the plat

8-914.2.A The shed location errors exceeds ten percent of the set back measurements.

8-914.2.B The shed reduction is requested in conjunction with the approval of a special permit reduction of certain yard requirements to permit construction of a house addition.

8-914.2.C The noncompliance was done in good faith. Shed #1 was existing when the house was purchased. Shed #2 was built on top of an existing foundation assumed to be from a previous shed.

8-914.2.D Such reduction will not impair the purpose of this Ordinance.

Statement of Justification

2502 Stone Hedge Drive, Alexandria, VA

Page 3 of 3

8-914.2.E Keeping the sheds in this location will not be detrimental to the use and enjoyment of other property in the immediate vicinity. All the neighbors of adjoining properties have tucked sheds into this rear corner. With several sheds in the same location, the sheds block views of the neighboring sheds, thus enhancing the remaining views.

8-914.2 F Sheds remaining in the current location will not create an unsafe condition with respect to both other property and public streets.

8-914.2 G To force compliance with the minimum yard requirements would cause unreasonable hardship to the Owner. Breaking up the enjoyment of the open backyard would be a real loss, as well as the expense to move structures.

8-914.2 H The reduction will not result in an increase in density of floor area ratio from that permitted by zoning regulations.

See additional pictures attached for shed surroundings.



Looking right from front door



Neighbor to the left



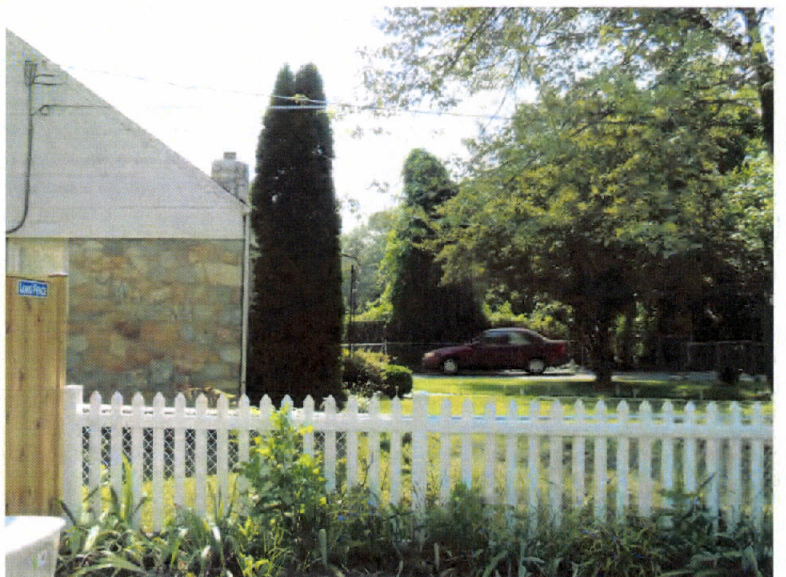
From left neighbor-looking to house (side of addition)



Front of house



Front with neighboring homes



Looking to right neighbor



Side of house (with addition)



Rear of house



Rear of house- looking right



Standing at house- looking to rear yard



Looking across rear of house



Rear yard- looking back to house



From front door- looking out to left



Looking across the street



From front door- looking out to right

Application No(s): SP 2014-MV-196
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 15, 2014
 (enter date affidavit is notarized)

I, Bruce P. Tinker and Pamela P. Tinker, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

126250

and that, to the best of my knowledge and belief, the following is true:

I(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Bruce P. Tinker Pamela P. Tinker	2502 Stone Hedge Dr. Alexandria, VA 22306	Applicants/Title Owners
Rebecca L.G. Bostick Architects, Inc. Agent: Rebecca L.G. Bostick	1819 Drury Lane Alexandria, VA 22307	Agent/Architect

(check if applicable) ☐ There are more relationships to be listed and Par. I(a) is continued on a "Special Permit/Variance Attachment to Par. I(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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(enter date affidavit is notarized)

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1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Rebecca L.G. Bostick Architects, Inc.
1918 Derry Lane
Alexandria, VA 22307

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Rebecca L.G. Bostick, Pres./Sec./Tres.

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

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I(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (h) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

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1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Pamela P. Tinker
BRUCE P. TINKER

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15th day of October, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Erin Roldan Chavez Lazo
Notary Public

My commission expires: Jan 31, 2018



ERIN ROLDAN CHAVEZ LAZO
NOTARY PUBLIC 7368031
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES JANUARY 31, 2018

**Land Development Information History: FIDO - DPW - Complaint 51375****Complaint Details**

Complaint #	51375
Street Address	002502 STONE HEDGE DR
Magisterial District	Mount Vernon
Complaint Description	Grass Height In Excess 12 Inches On Property <= 1/2 Acre
Agency	DPW
Status	Closed
Opened Date	2009-06-23
Closed Date	2009-07-14
Disposition	Compliance
Inspector Assigned	Dannie Stull
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: County Main Number - 703-FAIRFAX (703-324-7329), TTY 711 | [County Phone Listing](#)

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**Land Development Information History: ZAPS - VC - VC 83-V -072****General Information**

Application Number: VC 83-V -072

Application Description: TO ALLOW CONSTRUCTION OF DWELLING 14.67 FT. FROM SIDE LOT LINE, AND WITH OPEN PORCH 6.67 FT. FROM THE OTHER SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ. FOR HOUSE, 10 FT. MIN. SIDE YARD FOR PORCH REQ.)

Current Status: APPLICATION APPROVED

Date Accepted by County: 05/03/1983

Magisterial District(s): MOUNT VERNON(HISTORICAL)

Link to LDSNet record : [VC 83-V -072](#)

Application and Agent

Primary Applicant: JAMES T CLAXTON

Approved Zoning

Zoning District: R- 2

Approved Area: 10,000.00 SQ FEET

Approved Land Use(s): ROOFED DECK LESS THAN 4 FEET ABOVE GROUND LEVEL FOR SFD, MIN YARD REQUIREMENTS - SINGLE FAMILY DWELLING - CONVENTNAL SUBDIVISION

Approved Dwelling Units: 0

Approved Affordable Dwelling Units: 0

Approved Dwelling Units per Acres: 0

Approved Gross Floor Area: 0

Approved Floor Area Ratio: 0

Parcel Identifiers (PINS): 0933 08010008

Waivers/Modifications and Supplemental Motions

Waivers/Modifications: No Waivers/Modifications

Supplemental Motions: No Supplemental Motions

PC, BOS and BZA Hearings

PC Hearing: Not Scheduled

BZA Hearing: Occured on: 07/12/1983; Decision:

Fairfax County Contact Information

Staff Coordinator: ZED ZONING EVALUATION DIVISION

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
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County of Fairfax, Virginia

MEMORANDUM

DATE: October 9, 2014

TO: Erin M. Haley, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Calvert Park, Section 1, Block 2, Lot 2, SP 2014-MV-196

I have reviewed the above referenced Special Permit application stamped "Received, Department of Planning and Zoning, July 10, 2014; a Physical Improvements Survey of the subject property with a revised date of September 5, 2014; and a Statement of Justification, stamped "Received, Department of Planning and Zoning, September 2, 2014". The following comment and recommendation are based on this review and a site visit conducted October 3, 2014.

Comment: A large red maple exists close to the northwest corner of the proposed addition. This tree will require tree protection to ensure that damage is not incurred during construction.

Recommendation: Require tree protection fence to restrict construction activity within eight feet of the tree. Tree protection fence should consist of 4-foot high, 14-gauge welded wire attached to 6-ft. steel posts driven 18 inches into the ground.

If there are any questions, please contact me at (703)324-1770.

JB/

UFMDID #: 196702

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes



8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.